

**CONSERVATION COMMISSION/INLAND WETLANDS
AND WATERCOURSES AGENCY
DECEMBER 9, 2014
MINUTES FROM SPECIAL MEETING**

I. CALL TO ORDER

Vice Chairperson Margery Winters called the Special Meeting of the Conservation Commission to order at 7:31 p.m. in the Main Meeting Room at the Town Offices. Other members and alternates in attendance were Phil Purciello, Jim Morrison, Patrick Kottas, Darren Cunningham, Margaret Sexton, and Donald Rieger. Also present were Rachel Blatt, Assistant Town Planner; Michael Glidden, Code Compliance Officer; Janis Prifti, Commission Clerk; and other interested parties.

II. APPOINTMENT OF ALTERNATES

Vice Chairperson Winters appointed Commissioners Morrison and Kottas to serve as alternates for the two Commission vacancies.

III. DISCUSSION AND POSSIBLE ACTION

Commissioner Cunningham made a motion that item 3. be heard first.

Commissioner Rieger seconded the motion and it was passed unanimously.

3. Request for determination of exempt status - Onion Mountain Park Forestry Management Plan.

Town Staff representing Parks and Recreation provided background on forest management in Simsbury which began in 1989 with an RFP for Onion Mountain and subsequently for Belden Forest, Stratton Brook, Bushy Hill Open Space, and the Darling Hills Wildlife Area. Over 4-5 years, thinning and forest improvements were done, then the work tailed off, and when they looked at getting back involved the timber market was depressed. Forest thinning revenues were structured in the original plans to go back into necessary improvements for trails, wildlife habitat, educational programs, etc. The Town contracted with Ferrucci & Walicki, LLC (F&W), to monitor forest management of these parcels and Town Staff are now looking at reactivating forest management at the Onion Mountain parcel; a draft plan was provided to the Commissioners.

Eric Hansen, Consulting Forester, and partner at F&W, reviewed that a forester acts as the agent of the landowner, including: 1) between the landowner and assuring implementation of ecologically sound goals for the land; 2) acting as a go-between for the landowner and potential contractors for any timber sales; and 3) disseminating information or conducting walks, etc.; and 4) acting to steward the land in line with the Town's overall goals. The Forester advised the Commissioners a digital copy of the proposed plan is available digitally; and the Commissioners were provided a

hardcopy of the Narrative for the Forest Management Project for Onion Mountain Park. The Forester noted that under the Commission's purview, the Narrative discusses two crossings shown on the map and light thinning within the Upland Review Area (URA). The Forester's stewardship of general harvest goals discussed in detail in the plan would be: 1) to release the better quality trees from competing with poorer quality trees; 2) to release established re-generation, with White Pines currently overtopped and slowed growth where they would cut some small gaps in the over story; and 3) to take some of the mature timber and create additional habitat. Regarding the Commission's questions, the Forester suggested follow up with the detailed plan. Town Staff indicated to the Forester the objectives of: 1) forest health; 2) wildlife habitat; 3) recreation; 4) aesthetics; and 4) over time to generate sustainable revenue and put those funds from the harvest of timber back into the forest and improve it for the residents, which is ideal from a forester's perspective.

The Forester indicated the first activity scheduled for the less well-used southern portion of Onion Mountain Park to give people a chance to see what they are doing in a less conspicuous area and to work out any potential issues. Regarding when the first phase would begin, the Forester indicated following the approval process, marking and marketing the timber, they would prefer to begin next summer when things dry out in order to have conditions beneficial to regenerating Oak. The Forester indicated there is more understory growth in places and there is no guarantee Oaks will regenerate, but while logging is underway chances of regeneration could be increased by dragging tree tops over stumps as temporary deer impediments and as it decomposes Oak sprouts come up through the top - the loggers would pay less for doing this extra work but this would be a low cost option. The Forester indicated the southern portion of Onion Mountain is relatively invasive free and spot treatment could be conducted. The Forester reviewed that when a disturbance is created in New England species come back quickly and it is hoped they would be desirable native species; however, a disturbance attracts wildlife some of which are birds which eat berries from invasives in other areas which they leave behind in their droppings. Therefore, the Forester indicated the general plan calls for disturbed areas to be monitored with spot treatment of invasives as needed; Town Staff indicated revenues from the logging should be used to spot treat invasives in other areas.

Regarding long-term sustainability of forest management, Town Staff indicated there would be a responsible rotation of the areas harvested with a sufficient revenue stream anticipated. The Forester explained it is primary to make sure activities on the land improve the forest, which sometimes includes a regeneration harvest with another harvest not warranted to take place for another 60-70 years and no revenue, but it is important to diversify sizes and age classes which are lacking in this area due to average forest age of 80-120 years old and very few forests 0-15 years old. Specifically, the Forester looks at timing; intervals between cuts with harvests typically between 10-15 years, depending on previous treatments; markets - fortunately, there are sawmills in Connecticut, Massachusetts and New York; and every entrance made onto the land should improve it - if the forest would be compromised, no action is taken. The Forester explained this plan is for ten years with the intent that it ends and another plan would be considered for the next ten years. The Commissioners indicated it would be a great idea to increase forest age diversity. Regarding where a clear cut could be sized to create additional habitat, the Forester responded that

Onion Mountain is narrow with a many trails next to a wetland, Belden is small, Stratton Brook and Bushy Hill are also small but were damaged by the October snowstorm and could benefit from some small patch cuts which are called for in the plan, and larger groups and patch cuts could probably be done at Ethel Walker, but people would have to be educated to accept the benefits of clear cuts. Regarding Ash dying in a couple of years, the Forester's opinion was they are likely to die, but not that quickly with treatment increased with more to be removed or some left as a potential snag for wildlife; Emerald Ash Borers have not been found in Simsbury. The Commissioners suggested utilizing some of the revenues for exclosures starting with the Oaks for deer. The Forester agreed that would be a great educational opportunity especially off the beaten trail with connecting trail spurs. The Commissioners recommended adding these issues to the forest management plan, as it is important to educate the public and help homeowners to manage their land.

The Forester discussed the two potential stream crossings falling under Section 4.1 of regulations. Crossing #1 has a corduroy over it which is set of 20-foot long sections of tree set perpendicular to the road in wet areas so machinery stays above wetness and are either permanent or temporary; the existing corduroy was put in by Eagle Scouts after the last harvesting operation, but it is in the wrong direction and would be removed with new corduroy put in and it may be best to leave it in at the end. Crossing #2 is a small narrow drainage that is dry for most of the year with a storm bottom at the toe of the slope with water in it during heavy rain or flash flood events; corduroy would be put in and removed at operation end. Also, in the URA light thinning would be done to maintain vigorous trees along the wetland edge; there is also a potential vernal pool because it is a wetland depression and they would stay 50 feet away with cutting feathered up to it. The Forester indicated the majority of the area is flat where harvesting would take place, but on the southwest side of Crossing #2, there is a small sloped road area where water bars would be put in at the end of the operation, and anywhere else applicable - a water bar is an earthen mound installed periodically going downhill in the road at a 45 degree angle using material in the road using a machine blade so that water does not pick up speed. Regarding treetops, the Forester indicated they typically specify a 5-foot topping height for a 20-foot tall tree - once the useable timber is taken, the top is cut so no portion is taller than 5 feet for aesthetic purposes.

Commissioner Rieger made a motion that the Commission finds that this is an as of right activity under 4.1.a of the regulations and that the Applicant has given the Commission, according to 4.4, sufficient information to enable the Commission to assure it will be properly done to protect the wetlands; and conditioned upon the Applicant contacting Town Staff before starting the work, and that a walk through take place at the end of the harvest to ensure there are no erosion and sedimentation control issues.

Commissioner Cunningham seconded the motion and it was passed unanimously.

1. Application #14-40 of the Ethel Walker School for erosion control and storm drainage discharge within the Upland Review Area to a wetland on the property located at 230 Bushy Hill Road (Assessor's Map E14, Block 115, Lot 006 and Assessor's Map E15, Block 115, Lot 006). Zone R-40. (received 11/18/2014;

decision must be rendered by 1/22/2015)

Application #14-40 was read into the record.

The Applicant's engineer provided an overview of the Ethel Walker Campus and Master Plan and the proposed addition of the Centennial Center containing a gym with two basketball courts, an auditorium, pool, dance studios, wellness center, infirmary, team rooms, and squash courts providing an activity place for students. The Engineer reviewed they are before the Commission regarding the erosion control plan and small wetland pocket in the Upland Review Area (URA). Currently, the Centennial Center area is occupied by parking lots and the Engineer described it as a redevelopment site with no storm water quality. Currently, the Engineer indicated storm water is collected, piped, and goes down the slope with a negative impacts on some Ethel Walker-owned residences. As described by the Engineer to the Commissioners, the proposed plan would mitigate those impacts by working with the topography which rolls from a flat plateau down to a lower plateau, a turnaround worked out with the Fire Marshall, a storm water basin that would meet DEEP requirements for water quality, then infiltrated, polished through the vegetative basin, and a detention basin component with no more peak runoff than today under the 2-100 year storm event.

For storm water management, the Engineer showed the Commissioners where the water would be collected and noted a slight increase in impervious coverage attributed to the building - building water is considered clean water as opposed to parking lot water; about 20 parking spaces would be provided for very limited parking. The storm water basin is designed with a sediment forebay for water discharge into a spillway with the banks planted and seeded with a conservation mix and the base with a more water tolerant species. The Engineer noted the existing slope drainage issues and proposed piping it to a discharge point at the exact location previously approved by the Commission for the field; it is a natural depression with an established large berm down gradient with pipe at the bottom in a mode field mapped as wetlands; the large wetland corridor was noted as a substantial distance away; this would be the proposed URA activity. Regarding erosion control, the Engineer proposed establishing the storm water basin and pipe right away to provide a diversion basin during construction; there will be perimeter controls; the building will act as a large sediment trap once the area is excavated with very little runoff; and storm drainage will be rerouted early on and not run through the construction site.

The Commissioners were provided a detailed erosion control plan and the Engineer noted there would be grading at the backside of the cul de sac and Centennial Center which they propose covering with an erosion control blanket or hydroseed to stabilize the area quickly. They anticipate only having to deal with rain on the site and would set up the sediment trap early on. The Commissioners were provided rendering of the building. The Engineer noted they revised the plan in response to Town Staff comments: 1) a viewport was added to the plan showing existing conditions for the pipe discharge; 2) the lynchpin of getting the pipe in early to deal with water going down the slope was added to the plan; 3) slope protection was expanded all the way around the basin; 4) a storm water maintenance program was added to the plan discussing expectations for maintaining catch basins, outfalls, detention basins, etc. Regarding the basin

pipe sized for a 25-year storm, the Engineer explained that was a DOT standard and acts to mitigate the water impact down gradient, although the basin would accommodate a 100-year storm. The Engineer indicated construction would begin early spring. The Engineer agreed to look into finding another ground cover plant besides Inca. During the first phase temporary grass cover may be utilized, with construction anticipated to take 2 months for mass excavation and 12-16 months for building construction.

Commissioner Kottas made a motion that this is a regulated activity because of the small impact on the Upland Review Area in the corner of the property.

Commissioner Rieger seconded the motion, and it was passed unanimously.

Commissioner Kottas made a motion that this is not a significant activity because of the minimal disturbance in the Upland Review Area and the Applicant's response to Staff's questions and their presentation of the Erosion and Sedimentation Control Plan.

Commissioner Rieger seconded the motion, and it was passed unanimously.

Commissioner Kottas made a motion to approve the permit as requested with all the Applicant's responses and updates to the plan.

Commissioner Sexton seconded the motion, and it was approved unanimously.

2. Application #14-41 of Landworks Development, LLC, Agent; Ensign-Bickford Realty Corporation, Owner; for clearing in the Upland Review Area to a wetland on the property located at 225 Powder Forest Drive (Assessor's Map F14, Block 103, Lot 005-5) Zone PAD. (received 11/18/2014; decision must be rendered by 1/22/2015)

Application #14-41 was read into the record.

The Applicant's representative from Landworks Development reviewed their work in Town for over 15 years beginning with reworking/completing the Summerfield project, more recently at the Old Mill area where the apartments are 100% occupied, the nearby town homes, and currently where Carson Way is under construction; Gus Jazminski of Ensign-Bickford Realty was also introduced as very knowledgeable about Powder Forest. During the PAD zone change and master development process the representative recalled a positive referral was provided to the Zoning Commission by Howard Beach with the condition that because there is an Upland Review Area (URA), the developers would return to the Commission with the site plan. A map of the Powder Forest area was provided to the Commission showing the locations of existing homes for people 55+, Carson Way under construction, and Parcels 3, 4, 5 and 6.

Application #14-41 would be for Landworks development of Parcels 5 and 6 only in a 49 1/2-acre parcel mixture of apartments and town homes. The representative provided a map showing the

drainage system and how it relates to clearing, grading, and sedimentation and erosion control. Regarding LID, the representative noted Town Staff suggested rain gardens; however, site test borings in the drainage report show all sand and gravel soil with good permeability and infiltration rates and natural areas of depression for short-term detention and infiltration; map arrows showed water flow direction in two areas into natural treatment depressions before leaving the site via existing Town inlets; another area showed similar water flows, treatment twice, with water not leaving the site.

Regarding open space, the representative recalled that open space was dedicated when Powder Forest was created in the 1980's and Parcels 3, 4, 5, and 6 were created. The 20%+ Powder Forest open space has been updated over the years by Ensign-Bickford Realty as parcels were developed on what was industrial zoned land. The representative noted Parcels 5 and 6 had about 12.53 acres or 25% open space, including a 150-foot buffer against Stratton Brook, a 35-foot buffer along Powder Forest Lane, and a 50-foot buffer against Simsbury Inn; and they have now increased the open space to about 35% with additional buffers. The representative explained they have a subdivision application pending before the Planning Commission to set the line between Parcels 5 and 6 separating the town home and apartment developments. The representative noted the parcels are currently taxed separately using a line shown on an old map, but title experts have indicated difficulty in telling if it was actually subdivided so a subdivision application is before Planning which will likely be acted on once they hear from this Commission.

Regarding the original Stormwater and Erosion Control Plan submitted, the representative described that in Phase 1 the entry roadway, club house, and upper tier of apartment units would be built; followed by the Phase 2 lower tier apartment units, with roadway construction continuing allowing them to work their way out as the units are occupied and not impede traffic flow; Phase 3 would be half of the 4 buildings heading toward the east; Phase 4 would be the last section; and Phase 5 would expand the cleared and disturbed area and build the town homes. The representative indicated they do not yet have details on the sequence/timing of clearing, which is partially market dependent. Because they must obtain a DEEP permit for the Stormwater and Erosion Control Plan which would be very detailed the representative indicated they plan to move forward with the current engineered site plan conditioned upon final review and approval by Town Staff prior to construction and with the DEEP-approved permit, or they would return in a couple of months to the Commission once they are through the site plan process and have the DEEP level of detail.

The representative stated their objective is to minimize disturbed areas and showed in the plan large wooded areas maintained for natural storm water management keeping as many existing pockets of trees as possible. The Commissioners were provided the Applicant's response to Staff comments with an attachment showing a 3500 sq. ft. pocket on the edge in the URA; they would stay as far away as possible from this pocket. The Applicant's soil scientist covered in his report that this pocket was shown on old maps and was a random pocket of soil with wetland characteristics kept wet by the Town's storm water discharge at this location; the proposed development would not add any water with storm water managed and infiltrated elsewhere.

SUBJECT TO VOTE OF APPROVAL

Regarding the plant pallet, the representative indicated with their experience in Town they would continue working with Town Staff to select native or plant material common to this area including, Red Maple, Sycamore, Dogwood, Redbud, etc. The Commissioners were provided with an updated large-scale layout of proposed plantings on L3a to L3g, including bulk plantings and foundational shrubs. The representative welcomed the Commission's suggestions. The Commissioners noted while the plants shown were common, Calery pear was not a desirable tree, the plants presented an opportunity to enhance the wildlife areas throughout Powder Forest, e.g. Winterberry, Hazel Nut, etc. were shown on George Logan's list. The Commissioners noted the plants could have more ecological and conservation value combined with a handsome design. The representative responded they could have George Logan and John Stewart work together on the planting plan.

In response to Staff comments, the representative showed the Commissioners their redesigned single discharge point in the town home section splitting the drainage system with several layers of infiltration/collection before leaving the site possibly utilizing a 12-inch pipe - they need to run the calculations.

The Applicant indicated a willingness either to return to the Commission for further review and final plant selection or to continue working with Town Staff. He read from George Logan's report that: "In conclusion, it is our professional opinion the proposal has not only succeeded in avoiding and minimizing any potential impacts upon regulated resources at the site or off site, but has also provided for the continued linkage of ? within the overall living space."

The Commissioners asked about the status of the rain gardens at Mill Pond. The representative explained a linear rain garden constructed in one location was not successful despite different options tried. However, in this part of Powder Forest the soils are excellent so they looked at how to handle storm water in natural depressions; a rain garden could be created, but was not necessary. Regarding parking island plantings, the representative indicated they would be small with plants that would do well with snow and pop up in the spring; in this active area with parking and sidewalks everything would be curbed to provide for cleansing the water. The representative explained roof leaders go to swales or in some areas to daylight and percolate into wooded areas; in the building front, water would be moved toward the front and into the drainage area. Given the dry soils, the representative indicated plantings would be selected to minimize areas requiring irrigation with backyards kept low maintenance; similar to Carson Way, any necessary irrigation would be by a well. The Commissioners suggested irrigation could be minimized with plant selection, ground cover, and less lawn area. The Applicant agreed they would like to minimize irrigation and noted the example of the village green with a flower/tree grove at Mills Commons. The Commissioners indicated it would be interesting to see the planting plan more fleshed out and that "Siberian" Dogwood may not be appropriate and encouraged the Applicant to enhance the natural beauty of the site.

Town Staff confirmed this discussion was for Application approval. The representative noted the two areas for Commission review were the URA and general erosion control and indicated willingness to change the edge plantings to be more appropriate, but the final details will be

developed in the next layer to get to pre-construction and they would like to move forward. Town Staff reviewed that Phases 1 to 4 for the apartments would begin quickly following permit approval. The representative added that the main infrastructure would be built over 1 1/2 to 2 years beginning in late spring or April and they would not clear more than needed with the front entrance cleared first; they anticipate construction might take 3-5 years; and construction equipment would be large, they would work quickly, and get paving in. The natural detention areas were explained by the representative in the revised version as showing scour pads preventing erosion issues. Mr. Nelson of Landworks added that as part of the DEEP storm water discharge permit they will have a detailed management and monitoring plan for primary, secondary, and tertiary construction storm water treatment, as well as long-term, but they need to pin the site plan down first before the State will move forward with their review. The swales behind the buildings were designed to slowly move the water; they would berm/dam around the edges to direct the water flow; around the buildings a swale would be built, but there are also swales in the existing vegetation. The Commissioners suggested the right vegetation be used in the swales to provide water polishing and the representative indicated their expert would provide that.

Regarding storm water runoff that does not infiltrate, the representative showed 3 points where runoff could enter the Town water system, but their soil scientist found no evidence that water has ever left the site. The representative explained that sandy soil on the site was determined by soil borings throughout the site and perq testing for infiltration rates and through leaf clutter. Similar soil conditions are evidenced at the Simscroft site across the street with no erosion evident, as confirmed by Town Staff.

Regarding the town homes, the representative explained there would be a homeowners association component for the town homes with associated obligations; the rental units would stay with the owners. The representative believed the Town would not be interested in owning/maintaining the open space, but it is obligated through the Powder Forest Master Plan and they plan to maintain it. Regarding a potential vernal pool, their soil scientist determined although it was a depression it was an isolated area surrounded by a sewer easement, located 10 feet from road runoff, and not a vernal pool. Town Staff added that it does not appear to be a vernal pool habitat. The Commissioners explained while they do not want to change vernal pool habitat or hydrology with construction in the URA, the habitat around vernal pools is much larger than the Commission has authority to regulate and the Commission cannot regulate based on vegetation. The Applicant's soil scientist believed the project has done a good job protecting the woodland areas and using natural areas. The Commissioners agreed that the area has habitat value which could be enhanced with placement of native beneficial shrubs so that landscapers are not dumping material into that area. The Commissioners indicated interest in further discussion of the proposed planting plan and the representative suggested final approval be conditioned upon further Commission/Staff review of the planting plan. The Applicant's meeting with the Zoning Commission was scheduled for 12/15/2014; and no major issues exist with the Town Engineer, as they have been working with them on this project for a year.

Commissioner Rieger made a motion that this is a regulated activity involving construction in the Upland Review Area.

Commissioner Kottas seconded the motion, and it was passed unanimously.

Commissioner Rieger made a motion that this is not a significant activity because there is no direct wetland impact and find that activities in Upland Review Area will be handled in a way to assure that there is no damage to wetlands.

Commissioner Sexton seconded the motion, and it was passed unanimously.

Commissioner Rieger made a motion to grant the Inland/Wetlands permit conditioned up the construction most germane to the wetlands taking place sometime in the future and any altering of terrain in that area will be reviewed by Staff before that occurs and Staff and the Town Engineer are ultimately satisfied with the finally approved State action on the drainage plan.

Commissioner Kottas seconded the motion, and it was approved unanimously.

Commissioner Rieger made a motion of favorable referral to the Zoning Commission on this matter voicing general approval of the buffers discussed, and reserving only reluctance regarding the planting plan but with the understanding with the Applicant and their specialists will work with Town Staff, the Commission and Chairperson to arrive at a planting plan and plant selection that is more suited to environmental purposes.

Commissioner Sexton seconded the motion, and it was passed unanimously.

Commissioner Rieger made a motion that sedimentation and erosion matters are sufficient conceptually under the chapter, with the understanding there is much to be dealt with in detail when plans are more fully advanced; but we are conceptually satisfied at this point sufficient to permit the matter to go to other Boards but understanding that before actual construction, Staff and State will need to be fully satisfied.

Commissioner Kottas seconded the motion, and it was approved unanimously.

IV. RECEIPT OF NEW APPLICATIONS

1. Application #14-42 of John M. McCarthy, Agent; Chestnut Hill Associates of Simsbury, LLC, Owner; for a Wetlands Map Amendment to a wetland on and abutting the property located at 690 Hopmeadow Street (Assessor's Map G11, Block 132, Lot 053). Zones SC-1 and SC-2.
2. Application #14-43 of John M. McCarthy, Agent; Chestnut Hill Associates of Simsbury, LLC, Owner; for development in the Upland Review Area to a wetland on and abutting the property located at 690 Hopmeadow Street (Assessor's Map G11, Block 132, Lot 053). Zones SC-1 and SC-2.

Town Staff reviewed these applications which will be heard at the 1/6/2015 meeting are for the Ensign House with #14-42 (continued) applying for a wetlands map amendment with wetlands on the abutting Ensign-Bickford property; and adding new Application #14-43 for construction in the URA.

V. CORRESPONDENCE/ANNOUNCEMENTS

- a. New procedure for filing Minutes (*continued from 12/2/2014*)

Town Staff followed up with the Town Clerk that the FOIA Commission's goal is to get Commission minutes in in 7 days, as they stand; Mr. Peck will follow up to see if more information can be obtained.

VI. ADJOURNMENT

Commissioner Kottas made a motion to adjourn the meeting at 9:50 p.m.

Commissioner Sexton seconded the motion, and it was passed unanimously.

Donald Rieger, Secretary